

Message Text

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ORIGIN DLOS-03

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DRAFTED BY:D/LOS:ALAN BERLIND

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FM SECSTATE WASHDC

TO HON JAY S HAMMOND OFF OF GOV POUCH A

JUNEAU ALASKA 99811

UNCLAS STATE 087264

FOLLOWING REPEAT GENEVA 5004 ACTION SECSTATE DATED APR 04:

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FOR D/LOS, ALAN BERLIND

E.O 11652: N/A

TAGS: PLOS

SUBJECT: LAW OF THE SEA - LETTER TO GOV. HAMMOND FROM
AMBASSADOR RICHARDSON

1. THE FOLLOWING IS TEXT OF LETTER TO GOV. HAMMOND FROM
AMBASSADOR RICHARDSON. ORIGINAL LETTER MAILED ON
APRIL 3. BEGIN TEXT:

DEAR GOVERNOR HAMMOND:

DURING THE LAW OF THE SEA ADVISORY COMMITTEE MEETING
ON MARCH 3, I HAD THE OPPORTUNITY TO HAVE A USEFUL
EXCHANGE OF VIEWS WITH CHUCK MEACHAM ON THE INTERPRETA-
TION OF THE QTE ECONOMIC DISLOCATION UNQTE PROVISION
OF ARTICLE 66 OF THE INFORMAL COMPOSITE NEGOTIATING
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TEXT (ICNT). THIS IS THE PROVISION, AS YOU ARE AWARE,
THAT ALLOWS A CERTAIN LEVEL OF FISHING FOR JAPAN IN THE
AREA SEAWARD OF THE OUTER LIMITS OF ECONOMIC ZONES
SUBSEQUENT TO THE TREATY GOING INTO EFFECT, WHILE AT
THE SAME TIME ELIMINATING NEW ENTRIES TO THE FISHERY.
I AM WRITING TO YOU TO CLARIFY OUR VIEW WITH RESPECT
TO THE PROPER INTERPRETATION.

MR. MEACHAM'S COMMENTS WENT TO THE CORE OF THE PROBLEM. HE EXPRESSED CONCERN THAT IF THE PRESENT TRILATERAL NEGOTIATIONS PRODUCED AN IMMEDIATE AND SUBSTANTIAL REDUCTION IN THE JAPANESE CATCH OF NORTH AMERICAN- SPAWNED SALMON, AND THIS REDUCTION WAS FOLLOWED SHORTLY BY A TREATY CONTAINING ARTICLE 66, THE JAPANESE MIGHT WISH TO USE THE LARGER, PRIOR YEAR CATCHES AS THE HISTORICAL BASE FOR CLAIMING ECONOMIC DISLOCATION.

UNDER OUR INTERPRETATION OF THE ARTICLE, HOWEVER, THE ONLY U.S. OBLIGATION IS TO MINIMIZE ECONOMIC DISLOCATION, NOT TO GUARANTEE THERE WILL BE NONE.

IF THERE SHOULD BE AN ADJUSTMENT DOWNWARD IN THE SIZE OF THE PERMISSIBLE CATCH BETWEEN NOW AND THE EFFECTIVE DATE OF THE TREATY, THAT LEVEL OF CATCH WOULD BE THE BASIS FOR COMPENSATING FOR ECONOMIC DISLOCATION. ANY CONTRARY INTERPRETATION WOULD RESULT IN AN EXPANSION OF THEIR ECONOMIC POSITION, NOT JUSTIFIED BY THE LANGUAGE OF ARTICLE 66.

I HOPE THIS ANALYSIS WILL HELP TO CLARIFY OUR VIEW OF THE POST-TREATY OPERATION OF ARTICLE 66, AND THAT IT ADDRESSES CONCERNS YOU HAVE EXPRESSED IN THE PAST. MAY I ALSO TAKE THIS OPPORTUNITY TO EXPRESS MY APPRECIATION
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FOR THE SPIRIT OF COOPERATION EXHIBITED BY YOU AND BY MR. MEACHAM, WHO HAS BEEN IMMENSELY HELPFUL TO ME IN SEEKING SOLUTIONS TO THE DIFFICULT PROBLEMS RELATED TO THIS ISSUE.

WITH BEST REGARDS, SINCERELY, (SIGNED) ELLIOT L. RICHARDSON. RICHARDSON UNQTE VANCE

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